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June 17, 2014

**BY HAND AND ELECTRONIC FILING**

The Honorable Sue L. Robinson  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

Re: *ZF Meritor LLC and Meritor Transmission Corporation v.  
Eaton Corporation*, C.A. No. 06-623-SLR

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Dear Judge Robinson:

Defendant Eaton Corporation respectfully requests oral argument on its pending motion in limine. Eaton notes that Plaintiffs' response (D.I. 381) to the motion (D.I. 377) relies substantially on the suggestion that Eaton has waived the arguments raised in the motion. But plaintiffs' attempt to invoke the doctrine of waiver misrepresents the law. *Questar Pipeline Co. v. Grynberg* held that a party had waived its objection to expert evidence when it did not object until after the evidence was admitted at trial. There is no authority that Eaton can possibly have waived any legal position by objecting to argument and evidence a party plans to introduce at a trial that has not yet taken place. Given that Eaton's motion would preclude argument and evidence of over \$550 million of Plaintiffs' damages claim--worth over \$1.65 billion after trebling--Eaton respectfully requests oral argument to resolve this and any further questions the Court may have regarding the motion.

Respectfully,

/s/ Donald E. Reid

Donald E. Reid (#1058)

DER/ar

cc: Clerk of the Court (By Electronic Filing)  
All Counsel of Record (By Electronic Filing)

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